



Sen. Kyle McCarter

**Filed: 4/12/2013**

09800SB1969sam001

LRB098 06545 RLC 44309 a

1 AMENDMENT TO SENATE BILL 1969

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1969 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 (Text of Section before amendment by P.A. 97-1167)

8 Sec. 4. (a) Each applicant for a Firearm Owner's  
9 Identification Card must:

10 (1) Make application on blank forms prepared and  
11 furnished at convenient locations throughout the State by  
12 the Department of State Police, or by electronic means, if  
13 and when made available by the Department of State Police;  
14 and

15 (2) Submit evidence to the Department of State Police  
16 that:

1           (i) He or she is 18 ~~21~~ years of age or over, or if  
2 he or she is under 18 ~~21~~ years of age that he or she has  
3 the written consent of his or her parent or legal  
4 guardian to possess and acquire firearms and firearm  
5 ammunition and that, if he or she is under 21 years of  
6 age, he or she has never been convicted of a  
7 misdemeanor other than a traffic offense or adjudged  
8 delinquent, provided, however, that such parent or  
9 legal guardian of an applicant under 18 years of age is  
10 not an individual prohibited from having a Firearm  
11 Owner's Identification Card and files an affidavit  
12 with the Department as prescribed by the Department  
13 stating that he or she is not an individual prohibited  
14 from having a Card;

15           (ii) He or she has not been convicted of a felony  
16 under the laws of this or any other jurisdiction;

17           (iii) He or she is not addicted to narcotics;

18           (iv) He or she has not been a patient in a mental  
19 institution within the past 5 years and he or she has  
20 not been adjudicated as a mental defective;

21           (v) He or she is not intellectually disabled;

22           (vi) He or she is not an alien who is unlawfully  
23 present in the United States under the laws of the  
24 United States;

25           (vii) He or she is not subject to an existing order  
26 of protection prohibiting him or her from possessing a

1 firearm;

2 (viii) He or she has not been convicted within the  
3 past 5 years of battery, assault, aggravated assault,  
4 violation of an order of protection, or a substantially  
5 similar offense in another jurisdiction, in which a  
6 firearm was used or possessed;

7 (ix) He or she has not been convicted of domestic  
8 battery, aggravated domestic battery, or a  
9 substantially similar offense in another jurisdiction  
10 committed before, on or after January 1, 2012 (the  
11 effective date of Public Act 97-158). If the applicant  
12 knowingly and intelligently waives the right to have an  
13 offense described in this clause (ix) tried by a jury,  
14 and by guilty plea or otherwise, results in a  
15 conviction for an offense in which a domestic  
16 relationship is not a required element of the offense  
17 but in which a determination of the applicability of 18  
18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the  
19 Code of Criminal Procedure of 1963, an entry by the  
20 court of a judgment of conviction for that offense  
21 shall be grounds for denying the issuance of a Firearm  
22 Owner's Identification Card under this Section;

23 (x) (Blank);

24 (xi) He or she is not an alien who has been  
25 admitted to the United States under a non-immigrant  
26 visa (as that term is defined in Section 101(a)(26) of

1 the Immigration and Nationality Act (8 U.S.C.  
2 1101(a)(26)), or that he or she is an alien who has  
3 been lawfully admitted to the United States under a  
4 non-immigrant visa if that alien is:

5 (1) admitted to the United States for lawful  
6 hunting or sporting purposes;

7 (2) an official representative of a foreign  
8 government who is:

9 (A) accredited to the United States  
10 Government or the Government's mission to an  
11 international organization having its  
12 headquarters in the United States; or

13 (B) en route to or from another country to  
14 which that alien is accredited;

15 (3) an official of a foreign government or  
16 distinguished foreign visitor who has been so  
17 designated by the Department of State;

18 (4) a foreign law enforcement officer of a  
19 friendly foreign government entering the United  
20 States on official business; or

21 (5) one who has received a waiver from the  
22 Attorney General of the United States pursuant to  
23 18 U.S.C. 922(y)(3);

24 (xii) He or she is not a minor subject to a  
25 petition filed under Section 5-520 of the Juvenile  
26 Court Act of 1987 alleging that the minor is a

1 delinquent minor for the commission of an offense that  
2 if committed by an adult would be a felony;

3 (xiii) He or she is not an adult who had been  
4 adjudicated a delinquent minor under the Juvenile  
5 Court Act of 1987 for the commission of an offense that  
6 if committed by an adult would be a felony; and

7 (xiv) He or she is a resident of the State of  
8 Illinois; and

9 (3) Upon request by the Department of State Police,  
10 sign a release on a form prescribed by the Department of  
11 State Police waiving any right to confidentiality and  
12 requesting the disclosure to the Department of State Police  
13 of limited mental health institution admission information  
14 from another state, the District of Columbia, any other  
15 territory of the United States, or a foreign nation  
16 concerning the applicant for the sole purpose of  
17 determining whether the applicant is or was a patient in a  
18 mental health institution and disqualified because of that  
19 status from receiving a Firearm Owner's Identification  
20 Card. No mental health care or treatment records may be  
21 requested. The information received shall be destroyed  
22 within one year of receipt.

23 (a-5) Each applicant for a Firearm Owner's Identification  
24 Card who is over the age of 18 shall furnish to the Department  
25 of State Police either his or her Illinois driver's license  
26 number or Illinois Identification Card number, except as

1 provided in subsection (a-10).

2 (a-10) Each applicant for a Firearm Owner's Identification  
3 Card, who is employed as a law enforcement officer, an armed  
4 security officer in Illinois, or by the United States Military  
5 permanently assigned in Illinois and who is not an Illinois  
6 resident, shall furnish to the Department of State Police his  
7 or her driver's license number or state identification card  
8 number from his or her state of residence. The Department of  
9 State Police may promulgate rules to enforce the provisions of  
10 this subsection (a-10).

11 (a-15) If an applicant applying for a Firearm Owner's  
12 Identification Card moves from the residence address named in  
13 the application, he or she shall immediately notify in a form  
14 and manner prescribed by the Department of State Police of that  
15 change of address.

16 (a-20) Each applicant for a Firearm Owner's Identification  
17 Card shall furnish to the Department of State Police his or her  
18 photograph. An applicant who is 21 years of age or older  
19 seeking a religious exemption to the photograph requirement  
20 must furnish with the application an approved copy of United  
21 States Department of the Treasury Internal Revenue Service Form  
22 4029. In lieu of a photograph, an applicant regardless of age  
23 seeking a religious exemption to the photograph requirement  
24 shall submit fingerprints on a form and manner prescribed by  
25 the Department with his or her application.

26 (b) Each application form shall include the following

1 statement printed in bold type: "Warning: Entering false  
2 information on an application for a Firearm Owner's  
3 Identification Card is punishable as a Class 2 felony in  
4 accordance with subsection (d-5) of Section 14 of the Firearm  
5 Owners Identification Card Act."

6 (c) Upon such written consent, pursuant to Section 4,  
7 paragraph (a)(2)(i), the parent or legal guardian giving the  
8 consent shall be liable for any damages resulting from the  
9 applicant's use of firearms or firearm ammunition.

10 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
11 eff. 7-13-12; 97-1131, eff. 1-1-13.)

12 (Text of Section after amendment by P.A. 97-1167)

13 Sec. 4. (a) Each applicant for a Firearm Owner's  
14 Identification Card must:

15 (1) Make application on blank forms prepared and  
16 furnished at convenient locations throughout the State by  
17 the Department of State Police, or by electronic means, if  
18 and when made available by the Department of State Police;  
19 and

20 (2) Submit evidence to the Department of State Police  
21 that:

22 (i) He or she is 18 ~~21~~ years of age or over, or if  
23 he or she is under 18 ~~21~~ years of age that he or she has  
24 the written consent of his or her parent or legal  
25 guardian to possess and acquire firearms and firearm

1           ammunition and that, if he or she is under 21 years of  
2           age, he or she has never been convicted of a  
3           misdemeanor other than a traffic offense or adjudged  
4           delinquent, provided, however, that such parent or  
5           legal guardian of an applicant under 18 years of age is  
6           not an individual prohibited from having a Firearm  
7           Owner's Identification Card and files an affidavit  
8           with the Department as prescribed by the Department  
9           stating that he or she is not an individual prohibited  
10          from having a Card;

11           (ii) He or she has not been convicted of a felony  
12          under the laws of this or any other jurisdiction;

13           (iii) He or she is not addicted to narcotics;

14           (iv) He or she has not been a patient in a mental  
15          institution within the past 5 years;

16           (v) He or she is not intellectually disabled;

17           (vi) He or she is not an alien who is unlawfully  
18          present in the United States under the laws of the  
19          United States;

20           (vii) He or she is not subject to an existing order  
21          of protection prohibiting him or her from possessing a  
22          firearm;

23           (viii) He or she has not been convicted within the  
24          past 5 years of battery, assault, aggravated assault,  
25          violation of an order of protection, or a substantially  
26          similar offense in another jurisdiction, in which a

1 firearm was used or possessed;

2 (ix) He or she has not been convicted of domestic  
3 battery, aggravated domestic battery, or a  
4 substantially similar offense in another jurisdiction  
5 committed before, on or after January 1, 2012 (the  
6 effective date of Public Act 97-158). If the applicant  
7 knowingly and intelligently waives the right to have an  
8 offense described in this clause (ix) tried by a jury,  
9 and by guilty plea or otherwise, results in a  
10 conviction for an offense in which a domestic  
11 relationship is not a required element of the offense  
12 but in which a determination of the applicability of 18  
13 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the  
14 Code of Criminal Procedure of 1963, an entry by the  
15 court of a judgment of conviction for that offense  
16 shall be grounds for denying the issuance of a Firearm  
17 Owner's Identification Card under this Section;

18 (x) (Blank);

19 (xi) He or she is not an alien who has been  
20 admitted to the United States under a non-immigrant  
21 visa (as that term is defined in Section 101(a)(26) of  
22 the Immigration and Nationality Act (8 U.S.C.  
23 1101(a)(26))), or that he or she is an alien who has  
24 been lawfully admitted to the United States under a  
25 non-immigrant visa if that alien is:

26 (1) admitted to the United States for lawful

1 hunting or sporting purposes;

2 (2) an official representative of a foreign  
3 government who is:

4 (A) accredited to the United States  
5 Government or the Government's mission to an  
6 international organization having its  
7 headquarters in the United States; or

8 (B) en route to or from another country to  
9 which that alien is accredited;

10 (3) an official of a foreign government or  
11 distinguished foreign visitor who has been so  
12 designated by the Department of State;

13 (4) a foreign law enforcement officer of a  
14 friendly foreign government entering the United  
15 States on official business; or

16 (5) one who has received a waiver from the  
17 Attorney General of the United States pursuant to  
18 18 U.S.C. 922(y) (3);

19 (xii) He or she is not a minor subject to a  
20 petition filed under Section 5-520 of the Juvenile  
21 Court Act of 1987 alleging that the minor is a  
22 delinquent minor for the commission of an offense that  
23 if committed by an adult would be a felony;

24 (xiii) He or she is not an adult who had been  
25 adjudicated a delinquent minor under the Juvenile  
26 Court Act of 1987 for the commission of an offense that

1 if committed by an adult would be a felony;

2 (xiv) He or she is a resident of the State of  
3 Illinois; and

4 (xv) He or she has not been adjudicated as a mental  
5 defective; and

6 (3) Upon request by the Department of State Police,  
7 sign a release on a form prescribed by the Department of  
8 State Police waiving any right to confidentiality and  
9 requesting the disclosure to the Department of State Police  
10 of limited mental health institution admission information  
11 from another state, the District of Columbia, any other  
12 territory of the United States, or a foreign nation  
13 concerning the applicant for the sole purpose of  
14 determining whether the applicant is or was a patient in a  
15 mental health institution and disqualified because of that  
16 status from receiving a Firearm Owner's Identification  
17 Card. No mental health care or treatment records may be  
18 requested. The information received shall be destroyed  
19 within one year of receipt.

20 (a-5) Each applicant for a Firearm Owner's Identification  
21 Card who is over the age of 18 shall furnish to the Department  
22 of State Police either his or her Illinois driver's license  
23 number or Illinois Identification Card number, except as  
24 provided in subsection (a-10).

25 (a-10) Each applicant for a Firearm Owner's Identification  
26 Card, who is employed as a law enforcement officer, an armed

1 security officer in Illinois, or by the United States Military  
2 permanently assigned in Illinois and who is not an Illinois  
3 resident, shall furnish to the Department of State Police his  
4 or her driver's license number or state identification card  
5 number from his or her state of residence. The Department of  
6 State Police may promulgate rules to enforce the provisions of  
7 this subsection (a-10).

8 (a-15) If an applicant applying for a Firearm Owner's  
9 Identification Card moves from the residence address named in  
10 the application, he or she shall immediately notify in a form  
11 and manner prescribed by the Department of State Police of that  
12 change of address.

13 (a-20) Each applicant for a Firearm Owner's Identification  
14 Card shall furnish to the Department of State Police his or her  
15 photograph. An applicant who is 21 years of age or older  
16 seeking a religious exemption to the photograph requirement  
17 must furnish with the application an approved copy of United  
18 States Department of the Treasury Internal Revenue Service Form  
19 4029. In lieu of a photograph, an applicant regardless of age  
20 seeking a religious exemption to the photograph requirement  
21 shall submit fingerprints on a form and manner prescribed by  
22 the Department with his or her application.

23 (b) Each application form shall include the following  
24 statement printed in bold type: "Warning: Entering false  
25 information on an application for a Firearm Owner's  
26 Identification Card is punishable as a Class 2 felony in

1 accordance with subsection (d-5) of Section 14 of the Firearm  
2 Owners Identification Card Act.".

3 (c) Upon such written consent, pursuant to Section 4,  
4 paragraph (a)(2)(i), the parent or legal guardian giving the  
5 consent shall be liable for any damages resulting from the  
6 applicant's use of firearms or firearm ammunition.

7 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
8 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13.)

9 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

10 (Text of Section before amendment by P.A. 97-1167)

11 Sec. 8. The Department of State Police has authority to  
12 deny an application for or to revoke and seize a Firearm  
13 Owner's Identification Card previously issued under this Act  
14 only if the Department finds that the applicant or the person  
15 to whom such card was issued is or was at the time of issuance:

16 (a) A person under 21 years of age who has been convicted  
17 of a misdemeanor other than a traffic offense or adjudged  
18 delinquent;

19 (b) A person under 18 ~~21~~ years of age who does not have the  
20 written consent of his parent or guardian to acquire and  
21 possess firearms and firearm ammunition, or whose parent or  
22 guardian has revoked such written consent, or where such parent  
23 or guardian does not qualify to have a Firearm Owner's  
24 Identification Card;

25 (c) A person convicted of a felony under the laws of this

1 or any other jurisdiction;

2 (d) A person addicted to narcotics;

3 (e) A person who has been a patient of a mental institution  
4 within the past 5 years or has been adjudicated as a mental  
5 defective;

6 (f) A person whose mental condition is of such a nature  
7 that it poses a clear and present danger to the applicant, any  
8 other person or persons or the community;

9 For the purposes of this Section, "mental condition" means  
10 a state of mind manifested by violent, suicidal, threatening or  
11 assaultive behavior.

12 (g) A person who is intellectually disabled;

13 (h) A person who intentionally makes a false statement in  
14 the Firearm Owner's Identification Card application;

15 (i) An alien who is unlawfully present in the United States  
16 under the laws of the United States;

17 (i-5) An alien who has been admitted to the United States  
18 under a non-immigrant visa (as that term is defined in Section  
19 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
20 1101(a)(26))), except that this subsection (i-5) does not apply  
21 to any alien who has been lawfully admitted to the United  
22 States under a non-immigrant visa if that alien is:

23 (1) admitted to the United States for lawful hunting or  
24 sporting purposes;

25 (2) an official representative of a foreign government  
26 who is:

1 (A) accredited to the United States Government or  
2 the Government's mission to an international  
3 organization having its headquarters in the United  
4 States; or

5 (B) en route to or from another country to which  
6 that alien is accredited;

7 (3) an official of a foreign government or  
8 distinguished foreign visitor who has been so designated by  
9 the Department of State;

10 (4) a foreign law enforcement officer of a friendly  
11 foreign government entering the United States on official  
12 business; or

13 (5) one who has received a waiver from the Attorney  
14 General of the United States pursuant to 18 U.S.C.  
15 922(y)(3);

16 (j) (Blank);

17 (k) A person who has been convicted within the past 5 years  
18 of battery, assault, aggravated assault, violation of an order  
19 of protection, or a substantially similar offense in another  
20 jurisdiction, in which a firearm was used or possessed;

21 (l) A person who has been convicted of domestic battery,  
22 aggravated domestic battery, or a substantially similar  
23 offense in another jurisdiction committed before, on or after  
24 January 1, 2012 (the effective date of Public Act 97-158). If  
25 the applicant or person who has been previously issued a  
26 Firearm Owner's Identification Card under this Act knowingly

1 and intelligently waives the right to have an offense described  
2 in this paragraph (l) tried by a jury, and by guilty plea or  
3 otherwise, results in a conviction for an offense in which a  
4 domestic relationship is not a required element of the offense  
5 but in which a determination of the applicability of 18 U.S.C.  
6 922(g)(9) is made under Section 112A-11.1 of the Code of  
7 Criminal Procedure of 1963, an entry by the court of a judgment  
8 of conviction for that offense shall be grounds for denying an  
9 application for and for revoking and seizing a Firearm Owner's  
10 Identification Card previously issued to the person under this  
11 Act;

12 (m) (Blank);

13 (n) A person who is prohibited from acquiring or possessing  
14 firearms or firearm ammunition by any Illinois State statute or  
15 by federal law;

16 (o) A minor subject to a petition filed under Section 5-520  
17 of the Juvenile Court Act of 1987 alleging that the minor is a  
18 delinquent minor for the commission of an offense that if  
19 committed by an adult would be a felony;

20 (p) An adult who had been adjudicated a delinquent minor  
21 under the Juvenile Court Act of 1987 for the commission of an  
22 offense that if committed by an adult would be a felony; or

23 (q) A person who is not a resident of the State of  
24 Illinois, except as provided in subsection (a-10) of Section 4.  
25 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
26 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

1 (Text of Section after amendment by P.A. 97-1167)

2 Sec. 8. The Department of State Police has authority to  
3 deny an application for or to revoke and seize a Firearm  
4 Owner's Identification Card previously issued under this Act  
5 only if the Department finds that the applicant or the person  
6 to whom such card was issued is or was at the time of issuance:

7 (a) A person under 21 years of age who has been convicted  
8 of a misdemeanor other than a traffic offense or adjudged  
9 delinquent;

10 (b) A person under 18 ~~21~~ years of age who does not have the  
11 written consent of his parent or guardian to acquire and  
12 possess firearms and firearm ammunition, or whose parent or  
13 guardian has revoked such written consent, or where such parent  
14 or guardian does not qualify to have a Firearm Owner's  
15 Identification Card;

16 (c) A person convicted of a felony under the laws of this  
17 or any other jurisdiction;

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental institution  
20 within the past 5 years. An active law enforcement officer  
21 employed by a unit of government who is denied, revoked, or has  
22 his or her Firearm Owner's Identification Card seized under  
23 this subsection (e) may obtain relief as described in  
24 subsection (c-5) of Section 10 of this Act if the officer did  
25 not act in a manner threatening to the officer, another person,

1 or the public as determined by the treating clinical  
2 psychologist or physician, and the officer seeks mental health  
3 treatment;

4 (f) A person whose mental condition is of such a nature  
5 that it poses a clear and present danger to the applicant, any  
6 other person or persons or the community;

7 For the purposes of this Section, "mental condition" means  
8 a state of mind manifested by violent, suicidal, threatening or  
9 assaultive behavior.

10 (g) A person who is intellectually disabled;

11 (h) A person who intentionally makes a false statement in  
12 the Firearm Owner's Identification Card application;

13 (i) An alien who is unlawfully present in the United States  
14 under the laws of the United States;

15 (i-5) An alien who has been admitted to the United States  
16 under a non-immigrant visa (as that term is defined in Section  
17 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
18 1101(a)(26))), except that this subsection (i-5) does not apply  
19 to any alien who has been lawfully admitted to the United  
20 States under a non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful hunting or  
22 sporting purposes;

23 (2) an official representative of a foreign government  
24 who is:

25 (A) accredited to the United States Government or  
26 the Government's mission to an international

1 organization having its headquarters in the United  
2 States; or

3 (B) en route to or from another country to which  
4 that alien is accredited;

5 (3) an official of a foreign government or  
6 distinguished foreign visitor who has been so designated by  
7 the Department of State;

8 (4) a foreign law enforcement officer of a friendly  
9 foreign government entering the United States on official  
10 business; or

11 (5) one who has received a waiver from the Attorney  
12 General of the United States pursuant to 18 U.S.C.  
13 922(y)(3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5 years  
16 of battery, assault, aggravated assault, violation of an order  
17 of protection, or a substantially similar offense in another  
18 jurisdiction, in which a firearm was used or possessed;

19 (l) A person who has been convicted of domestic battery,  
20 aggravated domestic battery, or a substantially similar  
21 offense in another jurisdiction committed before, on or after  
22 January 1, 2012 (the effective date of Public Act 97-158). If  
23 the applicant or person who has been previously issued a  
24 Firearm Owner's Identification Card under this Act knowingly  
25 and intelligently waives the right to have an offense described  
26 in this paragraph (l) tried by a jury, and by guilty plea or

1 otherwise, results in a conviction for an offense in which a  
2 domestic relationship is not a required element of the offense  
3 but in which a determination of the applicability of 18 U.S.C.  
4 922(g)(9) is made under Section 112A-11.1 of the Code of  
5 Criminal Procedure of 1963, an entry by the court of a judgment  
6 of conviction for that offense shall be grounds for denying an  
7 application for and for revoking and seizing a Firearm Owner's  
8 Identification Card previously issued to the person under this  
9 Act;

10 (m) (Blank);

11 (n) A person who is prohibited from acquiring or possessing  
12 firearms or firearm ammunition by any Illinois State statute or  
13 by federal law;

14 (o) A minor subject to a petition filed under Section 5-520  
15 of the Juvenile Court Act of 1987 alleging that the minor is a  
16 delinquent minor for the commission of an offense that if  
17 committed by an adult would be a felony;

18 (p) An adult who had been adjudicated a delinquent minor  
19 under the Juvenile Court Act of 1987 for the commission of an  
20 offense that if committed by an adult would be a felony;

21 (q) A person who is not a resident of the State of  
22 Illinois, except as provided in subsection (a-10) of Section 4;  
23 or

24 (r) A person who has been adjudicated as a mental  
25 defective.

26 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,

1 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;  
2 97-1167, eff. 6-1-13.)

3 Section 95. No acceleration or delay. Where this Act makes  
4 changes in a statute that is represented in this Act by text  
5 that is not yet or no longer in effect (for example, a Section  
6 represented by multiple versions), the use of that text does  
7 not accelerate or delay the taking effect of (i) the changes  
8 made by this Act or (ii) provisions derived from any other  
9 Public Act.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."